

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: GEWEHR ET AL.

SERIAL No. 10/616,950

FILED: JULY 11, 2003

FOR: FUNGICIDAL USE



T E R M I N A L   D I S C L A I M E R

REGARDING

U.S. PATENT No. 6,521,628

AND

U.S. PATENT No. 6,734,202

06/13/2005 AKELECH1 00000027 10616950

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Sir:

Your Petitioner, BASF Aktiengesellschaft, a corporation of Germany, having a place of business at 67056 Ludwigshafen, is the Assignee of the entire right, title and interest in and to pending application Serial No. 10/616,950, filed July 11, 2003, the assignment recorded in the Patent and Trademark Office on Reel 14723 Frame 0108, filed November 18, 2003.

Your Petitioner, by undersigned attorney, hereby disclaims the terminal part of any patent granted application Serial No. 10/616,950 which would extend beyond the expiration date of U.S. Patents No. 6,521,628 and No. 6,734,202, which patents are also owned by Petitioner.

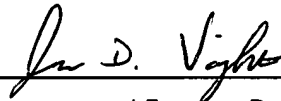
Your petitioner hereby agrees that any patent based on application Serial No. 10/616,950 shall be enforceable only for and during such period that the legal title of the patent shall be the same as the legal title to U.S. Patents No. 6,521,628 and No. 6,734,202, this agreement to run with any patent granted on application Serial No. 10/616,950, to be binding upon the grantee, its successors or assigns.

Petitioner also states that the invention disclosed and claimed in application Serial No. 10/616,950 and the invention disclosed and claimed in U.S. Patents No. 6,521,628 and No. 6,734,202 were commonly owned when the invention disclosed and claimed in the present application was made.

Petitioner further states that the evidentiary documents relating to the ownership of application Serial No. 10/616,950 and U.S. Patents No. 6,521,628 and No. 6,734,202 have been reviewed and Petitioner certifies that to the best of its knowledge and belief, title is in Petitioner.

The undersigned has reviewed the documents in the chain of title of the U.S. application identified above and, to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

This Terminal Disclaimer executed on behalf of the Assignee by undersigned attorney of record, this 3<sup>rd</sup> day of June, 2005.



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(Jason D. Voight)

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